

The State of Texas



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Secretary of State

ELECTION ADVISORY **NO. 2021-12**

TO: County Chairs, County Election Officials, and County Judges

FROM: Keith Ingram, Director, Elections Division

DATE: September 13, 2021

RE: Precinct Chair Elections and Candidate Filings for 2022

Due to delays in the U.S. Census Bureau releasing 2020 Census data to the States for redistricting purposes, the timeline for undertaking redistricting in Texas was modified this year. To accommodate the new redistricting schedule, Senate Bill 13 (87th Leg., 2d C.S., 2021) established dates for the candidate-filing period, general primary election, and primary runoff election for the 2022 election cycle based on when legislative redistricting plans become law. SB 13 was approved by both chambers on August 30, 2021 and signed by the Governor on September 10, 2021.

SB 13 contains certain provisions that address the election of precinct chairs in the 2022 cycle. Specifically, the bill provides that the election for the office of precinct chair in 2022 will be held on the same date as the runoff primary election. It further states that precinct chairs will be elected by plurality vote in 2022—meaning that the candidate who receives the most votes will be elected to the office of precinct chair, and there will be no runoff election for this office. SB 13 also directs the Secretary of State to set the dates of the filing period for precinct chair elections and to adjust the schedule for performing any official act relating to these elections as necessary for the efficient and orderly administration of the election.

SB 13 takes effect on December 2, 2021, the 91st day after the last day of the Second Called Special Session. Before that date, the Texas Election Code's existing provisions regarding the opening of the precinct chair candidate filing period remain in place.

First Precinct Chair Filing Period

Under Section 172.023 of the Texas Election Code, the filing period for the office of precinct chair begins 90 days before the date of the regular filing deadline for the primary election. For the March 1, 2022 primary election, the first day to file as precinct chair is September 14, 2021. Because SB 13 does not take effect until December 2, 2021, the precinct chair filing period for

the 2022 election cycle will still open on September 14, 2021 in accordance with Section 172.023.

As SB 13 will amend the existing provisions governing the general primary and primary runoff elections effective December 2, 2021, the initial filing period for precinct chairs will end at 11:59 p.m. on December 1, 2021. The filing period will reopen at a later date in 2022, depending on the timing of the general primary election and primary runoff election. When those dates are determined, the Secretary of State will issue an advisory setting the dates of the second filing period for precinct chairs, as authorized by SB 13.

Effects of Redistricting on Precinct Chair Lines

Although the precinct chair candidate filing period begins on September 14, 2021, it is important to note that the Legislature has not yet adopted redistricting maps. Once legislative redistricting is complete, county election officials will begin implementation of redistricting changes locally, which will likely result in changes to voter registration precincts before the 2022 primary election.

The Secretary of State strongly recommends that precinct chair candidates take this process into account before submitting an application in the first filing period. A precinct chair who files during the initial period may have that application rejected later because the applicable precinct boundaries change due to redistricting—at which point the candidate could file an application for the precinct in which they reside under the new boundaries.

Required Actions by County Chairs

As indicated above, county chairs must begin accepting candidate applications for precinct chair on September 14, 2021. County chairs may not refuse to accept an application from a precinct chair candidate, if otherwise eligible for the office, during this initial filing period.

Upon receipt of a precinct chair application, the county chair must review the application and make a determination whether to accept or reject the application. (Tex. Elec. Code § 172.0222(b)). This review must be complete no later than the fifth business after the date the application is received by the county chair. (Tex. Elec. Code § 172.0222(c)). If the application is rejected, the county chair must notify the precinct chair candidate in writing of the rejection. (Tex. Elec. Code § 141.032). If the application is accepted, the county chair will enter this information into the precinct chair candidate system.

Once the second filing period starts, the county chair must re-review each precinct chair candidate application received during the initial filing period, as the applicable precinct lines or numbers may be different after redistricting. A change in precinct lines or numbers may result in a rejection of a previously filed precinct chair candidate application because the candidate may no longer be a resident of the listed precinct, as required by Section 171.023. The initial acceptance of a precinct chair application does not preclude a subsequent determination that an application must be rejected. (Tex. Elec. Code § 172.0222(f)). If a candidate's application is

later rejected due to a change in precinct lines or numbers, the candidate can submit an application for a different precinct chair office, if eligible, during the second filing period.

Methods of Filing Candidate Applications

Applications for precinct chair candidates may be filed in person or by mail, fax, or email, as there is no filing fee associated with the office of precinct chair. HB 3107 (87th Leg., R.S., 2021) amended Section 143.004 of the Texas Election Code to authorize the filing of candidate applications by email if they are submitted in a scanned format to the e-mail address designated by the filing authority. The SOS recommends that county chairs provide notice of the acceptable email address that can be used for candidate filings on their website or in any posted notices regarding candidate filings.

If you have any questions regarding this advisory, please contact the Elections Division toll-free at 1-800-252-VOTE(8683).

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